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ABSTRACT

Quebec colleges remained firmly entrenched in the pure classicism of prerevolutionary France until well into the twentieth century. Formal Roman Catholic Church control of Laval University, a Jesuit university, ceased in 1965 at a time when the institution and its administration were expanding greatly, and the faculty quickly began to resent the rule of bureaucrats over their affairs. Major changes had already been set in motion by the 1963 royal commission of inquiry into education in the province. Access to education was democratized, faculty was expanded, and budgetary economies and accountability were imposed. One result was the lowering of Laval's previously high faculty salaries. Unionization occurred, but in a haphazard fashion. There were several faculty concerns at Laval: the absence of collegial governance, the extremely precarious position of untenured faculty, and the lack of a fixed salary scale. A faculty union was established in early 1975 at Laval, but collective bargaining was slow, and a 108-day strike began in September 1976. The sharing of power that the administration was willing to grant was minimal in real terms, even after the strike gained in intensity. A return-to-work agreement was signed on December 23, 1976, and the collective agreement was signed in January 1977. The contract runs until the end of May 1978, and represents a compromise on issues. A fixed salary schedule has been established, the faculty have been granted much greater job security, procedures for selection and hiring are spelled out in great detail, and the right of appeal of promotion and contract renewal decisions is specified. (MSE)

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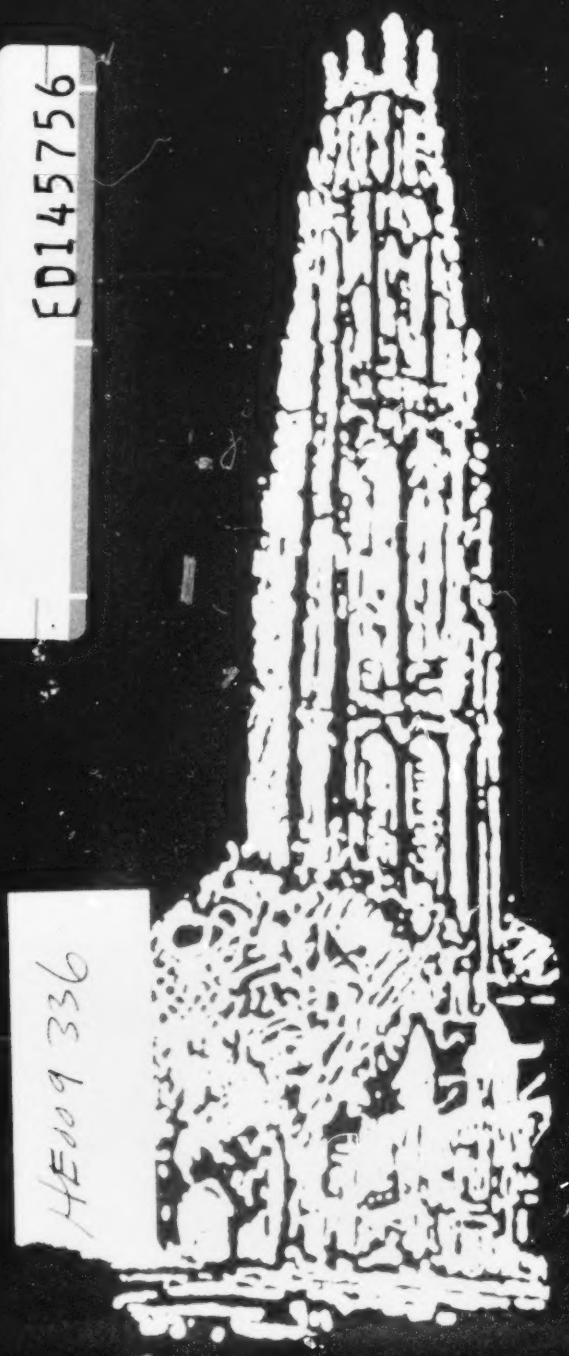

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UNIVERSITY REFORM IN QUEBEC:
THE STRIKE AT LAVAL 1976

by

Geoffrey J. Giles*

YALE HIGHER EDUCATION RESEARCH GROUP
WORKING PAPER

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August 1977

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Research Associate
Higher Education Research Group

The research reported in this paper has been part of the work conducted by the Yale Higher Education Research Group. It has been supported by research funds from the Lilly Endowment for the comparative study of academic organization and governance.

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UNIVERSITY REFORM IN QUEBEC: THE STRIKE AT LAVAL 1976*

Higher education in Quebec has always differed from that in the rest of Canada. Its beginnings in the seventeenth century (well over a century before the first English Canadian college) drew on French models, whereas the English colleges naturally turned to Oxford and Cambridge in the first instance. While the English Canadian colleges were visibly influenced by their Scottish and American counterparts in the latter half of the nineteenth century, Quebec colleges remained firmly entrenched in the pure classicism of pre-revolutionary France until well into the twentieth century.[1]

The Roman Catholic Church has always been a major influence behind French Canadian colleges (and until ten years ago, formally so).[2] The forerunner of Quebec's oldest university was a seventeenth century Jesuit foundation, and after becoming l'Université Laval in 1852, it received a charter from the Pope (in 1870) as well as one from Queen Victoria. Under Church control, a tradition of firm paternalistic authoritarianism arose, which the expanding university administration of the last thirty years steadily exploited for its own self-aggrandizement. With Church backing, this could be carried off successfully, but after formal Church control of Laval ceased in 1965, at a time when the university (and thus the

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* I am extremely grateful to Professor Robert Demers of the Laval University Law Faculty, and SPUL Secretary for that Faculty, for giving generously of his time to discuss the strike with me at length. My thanks are also due to SPUL itself, which made available to me a large number of strike leaflets and other documents.

1 As a shorthand device, I use the term Quebec colleges or universities in this paper to refer to the French ones, unless otherwise stated.

2 The French universities were urged to give up their pontifical charters by the Parent Commission in 1966. Robert M. Gill, Universities and Development in Quebec, Ph.D. thesis, Duke University, 1976, p. 80.

administration also) was expanding more than ever, the faculty began quickly to resent the rule of bureaucrats over their affairs.

Major changes had been set in motion by the 1963 Royal Commission of Inquiry into Education in Quebec. The resulting report recommended the setting-up of quite new institutions, the CEGEPs,* to prepare high school students for university entry. This was a move towards democratising access to higher education and was followed by a significant increase in the student intake. So rapid was the rise in numbers that the government founded a new multi-campus university in 1969, l'Université du Québec, to cope with the situation. The concomitant expansion of faculty led overall to a lowering of the average age of professors, and this, combined with a weakening of the loyalty to the institution, the sense of belonging, which had pervaded the old, small, single-campus colleges, probably made the new faculty less intrinsically hostile to the idea of unionization. There was, moreover, much to create a feeling of insecurity. University expansion had led to budgetary economies on the salary side. Professors' salaries increased only 53% in the decade 1960-70, compared to a 140% rise for secondary teachers. At the end of the sixties, Quebec professors' salaries were 5% lower than their colleagues in Ontario, yet by 1971-72, they were 17.3% behind. Not only that, but the rating of the professors' salary above the average earnings in Quebec had diminished by 15% in a decade.[3] This did, of course,

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* Collèges d'Enseignement Général et Professionel

[3] André C. Côté, "La Syndicalisation des Professeurs d'Université au Québec," in Universities and the Law, Legal Research Institute of the University of Manitoba 1975, p. 29.

correct a previously rather high imbalance, yet could not but give the impression that faculty salaries were being whittled away by a penny-pinching government.

It was quite plain that the Quebec legislature was playing an increasingly intrusive role in the affairs of the universities. To begin with, it demanded strict accountability of the vast sums of money now being poured into the higher education sector. Whereas the government had provided only 48% of the Quebec universities' 1961-62 budget of $39 million, its share of the burden had increased ten years later to 78% of what now amounted to a $288 million budget.[4] Ever since the creation in 1964 by the Quebec Education Ministry of the Direction Générale de l'Enseignement Supérieur (DIGES) as a budgetary watchdog, the erosion of university autonomy became increasingly clear.

No-one could say, however, that the structure of academic government had stagnated at Laval. In many ways it was a leader of the field. The 1966 Duff-Berdahl Report, responding to Canadian faculty complaints about their non-involvement, recommended their inclusion on governing bodies:[5] at Laval, this was already established practice, and re-affirmed by the mid-sixties revision of the university charter.[6] In 1972, an

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[4] Ibidem.

[5] Sir James Duff and Robert O. Berdahl, University Government in Canada, Report of a Commission sponsored by the Canadian Association of University Teachers and the Association of Universities and Colleges of Canada, University of Toronto Press, 1966, p. 21ff.

[6] Barbara Burn affirms that this set a precedent for the French Canadian universities. Barbara B. Burn, Higher Education in Nine Countries: A Comparative Study of Colleges and Universities Abroad, Carnegie Commission on Higher Education, 1971, p. 103.

unusually liberal process for the selection of the rector was introduced at Laval. No longer an unlimited appointment, it became an elected position (of five years' tenure), made by an electoral college composed of members of the governing body, and of the teaching and non-teaching staff. Three-quarters of the college's hundred members were elected by their peers, which however did not prevent a preponderance of administrators in this body.[7] Yet while Laval appeared to be leading the way in some areas of democratisation, the faculty felt a growing insecurity vis-à-vis an increasingly powerful administration, which was perceived as playing to their own, or to the provincial government's tune, but certainly not to the faculty's.

In 1969, the concept of a "recognized association" was deleted from the Quebec Labour Code. Thenceforth only "accredited" associations could enjoy the legal right to negotiation. Thus any agreement between a university and an unofficial body, such as the FAPUQ* which had for some years had dealings with both DIGES and CREPUQ+, could be declared legally invalid. In this situation, FAPUQ urged its constituent groups to press for the accreditation of union status. It was believed (rightly) that many professors would now support unionization despite the tradition against it in universities, partly because of their growing insecurity and partly because the recent unionization of physicians and lawyers in

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* Fédération des Associations de Professeurs d'Universités du Québec.

\+ Conférence des Recteurs et Principaux des Universités du Québec.

[7] R.S. Harris, "The Universities of Canada," Commonwealth Universities Yearbook 1976: A Directory to the Universities of the Commonwealth and the Handbook of their Association, London 1976, Vol. 2, p. 782.

Quebec had demonstrated that it was no longer disreputable for a professional person to belong to a union.

The way in which unionization proceeded was, however, entirely haphazard. There occurred, as one commentator has described it, a balkanisation of bargaining units. Thus many single faculties, and even groups within a Faculty, attempted to form their own union. There were several reasons for this: in the first place, there was still a fear that university-wide support would be insufficient to claim representation for all professors. In some cases, a Faculty feared that its members would be the losers if obliged to bargain alongside their colleagues throughout the university. In particular, the highly paid members of Law and Medical Faculties realised that a negotiated lowest common denominator of salaries would do them severe financial harm.

The preliminary confusion may be illustrated by the example of engineering faculty in Quebec. The first "accredited" association in the province was that of the engineering professors in the University of Sherbrooke's Faculty of Applied Science. However, a parallel attempt by their colleagues in the engineering departments of the Université du Québec à Trois-Rivières (UQTR) in October 1970 was turned down in favour of a concurrent request for accreditation for a university-wide union. Meanwhile, Laval University engineering professors won their claim for separate accreditation at about the same time. In their case, the university appealed the decision. The Labour Tribunal decided, acting on the precedent of the UQTR case, that the persons in question were not so much engineers as they were professors, and that therefore a union of the professors in the university was more appropriate for representational

purposes than a voluntary association on the basis of professional interests. This shut the door on unionization of departmental groups within a Faculty. A 1972 commission decided similarly to reject the applications of six Faculties at the Université de Sherbrooke for separate accreditations on three grounds: the structure of the university was such that they all served the same "employer"; the various Faculties really possessed a commonality of interests; and separate unions would not be conducive to industrial peace in the university at large: rather, the existence of a multiplicity of different collective agreements would lead to constant renegotiation and probably ill feeling not only vis-à-vis the university, but between the Faculties themselves.[8]

Although the climate of academic opinion was now less hostile to the idea of unions, this did not mean that the Laval professors clamoured to set one up. There were of course always minor grievances which a permanent negotiating body might more efficiently take care of as the need arose, but there were no real issues to act as a catalyst. The growing uneasiness of the faculty was however gradually exploited by a certain group of junior faculty (several leaders of which hailed from France, and were well-versed in radical academic politics) in order to gain broad faculty support for an official union.

There were three main areas of concern, which affected particularly the junior faculty. In 1976, Robin Harris was able to write of Canada in general:

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[8] Côté, p. 34ff.

> Today there is great variation from university to university in the procedure for obtaining tenure though in all cases it is carefully spelt out.... The granting of tenure is almost invariably made on the recommendation of a committee appointed for the purpose.[9]

Not so at Laval! The departments and faculties used a hodge-podge of procedures ranging from full consultation to almost none. The machinery was there, but on the whole, heads of department and deans tended to neglect formalised collegial consultation, and make appointments and promotions on their own individual authority in the name of speed and efficiency.[10] The faculty felt left out of personnel decisions, and alienated from their departmental head, who, though also a professor, often identified once he had become a bureaucrat, they felt, more with an administrative "corps d'élite" of the University than with his colleagues in the department.[11]

The absence of collegial governance was closely allied to the second concern: the extremely precarious position of the untenured faculty. There was no fixed period of probation, and an assistant professor might in extreme cases be kept waiting for up to ten years for a tenure decision. Moreover, there was no mechanism for appeal against dismissal. Indeed, it was clear that the high turnover of assistant professors without the granting of tenure was often a deliberate and arbitrarily applied budgetary device, which showed little concern for

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[9] Harris, p. 787.

[10] At Laval there are 50 departments and 12 faculties. In those faculties which do not subdivide into departments (e.g., law and theology), the dean performs the function of the head of department.

[11] SPUL leaflet "La Grève à Laval," 1 December 1976, p. 2.

individual scholastic merits, to save the University the higher salaries of tenured positions.

Thirdly, there was at Laval no fixed salary scale, though it was the last Quebec university to lack one.[12] Each faculty member received a salary individually determined by his dean, with random supplementary emoluments at the latter's discretion.[13] Thus it was not uncommon for the salaries of professors with the same qualifications, age and experience to differ by as much as $8,000-$10,000.[14] Women professors received less as a matter of course.

Whereas Msgr. Alphonse-Marie Parent, himself a former rector of Laval and author of radical change in Quebec education, could write in 1966 that

> the internal administrative structure, where professors have their say in the administration of universities, is likely to change completely the type of relationship existing between administration and professors, a relationship thus ceasing to be one of employer and employee...,[15]

his own Université Laval was one of the last places where this was to occur.

It was on 11 July 1974 that a group of Laval professors applied to the Quebec Ministry of Labor for accreditation of a faculty union. This request was granted on 31 January 1975, at which time the Syndicat des Professeurs de l'Université Laval (SPUL) was officially acknowledged as the representative and bargaining agent of the faculty. Both SPUL and

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[12] SPUL broadsheet "Au fil de la négociation," 1 September 1976, p. 4.

[13] The amount of the salary was ratified ultimately by the vice-rector for academic affairs.

[14] "La Grève à Laval," 1 December 1976, p. 15.

[15] Alphonse-Marie Parent, "Patterns of Collaboration," Governments and the University: The 1966 York University Frank Gerstein Lectures, Toronto/New York 1966, p. 63.

the University had already set up committees in the autumn of 1974 to prepare for the negotiation of a general contract between University and faculty, but it was not until May 1975 that formal meetings between the two sides took place. At a meeting on 6 November 1975, the union presented its plan for a collective agreement, which was accorded a formal reply on the part of the University only on 19 February 1976. Clearly, the University was in no hurry to commit itself.

Indeed, the administration had meanwhile been busily preparing its defensive action against the probable restrictions of its own authority which faculty unionization (and in particular, a jointly negotiated collective agreement) would bring. The Quebec Committee of Vice-Rectors of Academic Affairs circulated a number of confidential memoranda in preparation for the formulation of mandates to the Conference of Rectors and Principals of the Universities of Quebec (CREPUQ), concerning the suggested basis for negotiations with unions, which were at this time forming at a number of Quebec universities. It declared in these its intention that "the union must not be allowed legally or theoretically to be present in any official structure," in other words its status of an outsider was to be maintained.[16] It was viewed as a rather unpleasant sore on the university corpus, regretfully to be tolerated but not to be accepted as a necessary component. The committee saw the unions as a

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[16] This and the following extracts from SPUL leaflet "Mandates for the Conference of Rectors and Principals of the Universities of Quebec (CREPUQ) Regarding Labor Relations with the Academic Staff," November 1976. The documents were leaked to SPUL at a crucial period of the strike negotiations. Also printed in Le Syndicalisme Universitaire et l'Etat par un collectif d'universitaires (Introduction by André Vidricaire), Montreal 1977, pp. 187-205.

threat to "the realization of the university's mission":

> Everything possible should be done in order to ensure quality education and maintain the highest standards through its programs and by the research which it authorizes. On this demand, no compromise is possible, and the university - through its administrators - is the guarantor: high standards must be protected from prejudicial attacks. (My emphasis - GJG).

The administrators were absolutely clear on the question of job selection that "hiring is a management prerogative of the university." The documents reveal that there was no intention of modifying significantly the contentious practice of tenure and promotional review by giving the professors' peers greater weight than the administration:

> If the evaluation process is an instrument of university management, it becomes paradoxical and can lead to confusion for a body composed of a majority of unionized professors to exercise this function. Therefore, the evaluation committee should be composed either of an equal number or a majority of university - i.e., management - representatives. In practice the evaluators would be competent in the professor's particular discipline, but half or a majority (depending on the formula chosen) of the evaluation committee should hold administrative positions and thus would not be unionized.

It was precisely the argument of SPUL that the administrators, cut off from teaching and research, were no longer fully competent to pass judgment on the faculty as teachers and researchers.

The painfully slow pace of negotiations in the Spring of 1976 led the union to conclude that the University was seeking to delay the collective agreement for as long as possible. Faced with virtually no progress, SPUL delivered a detailed proposal for a salary agreement to the University on 21 May 1976, and demanded arbitration. The University signalled its intention to suspend talks until the arbitrator was selected by the provincial government. When no announcement had been made within

a month, a general meeting of SPUL members agreed to strike if this became necessary. The very same day, the SPUL president, Joël de la Noüe, received a telephone call, naming the arbitrator.[17] Yet it was another month before the first meeting of the two parties took place in the presence of the arbitrator, who promptly announced that he was leaving for a month's vacation. Despite his absence, the negotiations continued in August at the insistence of SPUL, in an attempt to reach a settlement by the beginning of the academic year on 1 September. By 18 August 1976, the agreed period of arbitration expired and no significant progress had been made. This led the general assembly of SPUL members to vote to go ahead with the strike. Unusually under the circumstances, the voting was by secret ballot, and produced 402 votes for the strike, with 43 against and 22 abstentions.[18] Continuing meetings in the following days with the administration did nothing to alter this resolution, and the strike, which was to last 108 days, began on 7 September 1976.

There was picketing, but the general tenor of the strike was of a dignified show of force. Six hundred and fifty professors turned out to picket the meeting of the governing body, the Conseil de l'Université, on 10 September. At this time there were something over 800 members of SPUL out of a possible 1084 professors. The strike leaders were determined to behave correctly and to avoid provocation. A leaflet distributed to the pickets stressed:

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[17] SPUL leaflet "Chronologie des négociations et tables des documents," n.d.

[18] Françoise Côté, "La Grève à l'Université Laval: C'est la structure du pouvoir à l'université qui est en cause...," University Affairs, November 1976, p. 3.

> This is not the time for stupidities, as amusing as they might be. Do not take any initiative without consulting those in charge of our picket. Let us show ourselves in silence. It is more eloquent.[19]

For the rest, a daily newsletter began to appear, the Boîte à Lettres - Correspondance des Lignes, which was less restrained with its irreverence, though remarkably good-humored. For example, there was some banter connected with the fact that the faces of their masters on the Conseil de l'Université, as they filed in to the meeting past them, were totally unknown to the majority of pickets. The vice-rector for academic affairs was mistaken by many as a representative of the manual staff's union.[20] Another newsletter produced an imaginary Lettre Persane, a witty comment on the situation in 18th century prose after the style of Montesquieu.[21]

As the strike drew on, however, the leaflets became more serious in tone and examined in detail the points of grievance. The rector of Laval, Larkin Kerwin, took no direct part in the altercations at first, but finally consented to meet with SPUL president Joël de la Noüe on 19 October 1976, after several days of deadlock in negotiations. After an apparently encouraging discussion across the table, the rector then reneged on some of his verbally promised concessions in a letter to de la Noüe the following day, which presented the "positions of the University on the questions discussed." He denied that the rulings of an appeals committee on dismissals could ever be of a binding nature:

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[19] SPUL leaflet "Les Professeurs accueillent le Conseil de l'Université," n.d.

[20] SPUL newsletter "Nouvelles des Lignes," 10 September 1976.

[21] SPUL newsletter "Boîte à Lettres - Correspondance des Lignes," n.d., ("Découverte d'une Nouvelle Lettre Persane").

> I reiterated yesterday to you that there is no question of the University's conferring on such a committee the powers of a tribunal of arbitration.[22]

He also upheld his refusal to accord decisive powers to the departmental assemblies in cases of disagreement with their head of department. Kerwin had been adamant on a number of occasions that, only if heads of department and deans retained ultimate responsibility for decision-making, would the University be able to conduct its business "efficiently, without the delays imposed by consulting a large number of people."[23] These and other positions, which had been verbally represented rather differently, so incensed the members of SPUL by their "lack of justification and tactical coloration"[24] that a petition of no-confidence was drawn up, demanding the rector's resignation, which had been signed by 608 professors by 2 November. Kerwin claimed to have been misrepresented, and complained of "psychological warfare" in a letter to all the faculty. But this shot brought a sharp rebuke from one group of professors:

> This last tactic, which consists of communicating directly with the unionized professors beyond the negotiating table, is well-known, and used in the world of labor relations as a substitute for negotiations in good faith, with the evident goal of breaking union solidarity by attempting to undermine the credibility of the duly-elected union representatives. On top of your frequent recourse to such manoeuvres, you dare to assert that the union officials are ill-informed: could it be that the information stemming from your administration is not reliable? Need we remind you that this

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[22] Kerwin to de la Noüe, 20 October 1976.

[23] Nancy Sullivan, "Strike of Laval Professors is in Sixth Week," University Affairs, November 1976, p. 2.

[24] De la Noüe to Kerwin, 21 October 1976.

> behaviour is extremely characteristic of anti-union employers and that we do not doubt that your professional negotiator is very well acquainted with it?[25]

Despite finding that intellectual strikers could be the most infuriating to deal with, the rector ignored the calls for his resignation, yet he was driven to undertake decisive steps. He summoned for a special session from 27-31 October the Conseil de l'Université, from which a number of faculty representatives had now resigned in support of the strikers. This body then transmitted to SPUL twenty-six propositions, representing its "final and global offer."

In these, the University still insisted on maintaining the barrier between administrators and faculty.[26] It refused the head of department, who chaired the departmental assembly, actual membership and voting rights in it, which was vehemently denounced by SPUL as a wilful sabotage of collegiality. The head of department was still to be empowered to reject outright, in the case of a new or vacant post, the job description and selection criteria recommended by the assembly. Furthermore, the administration continued to refuse the possibility of impartial arbitration in appeals against the non-renewal of a professor's contract (the administration's euphemism for dismissal). The most it would concede was referral to a committee of revision presided over by the vice-rector who had ruled against the renewal in the first place, and of which three out of the four other members were appointed by the administration.[27]

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[25] Letter of 22 professors to Kerwin, 26 October 1976.

[26] SPUL leaflet "Analyse comparée des deux projets de convention collective," 1 November 1976.

[27] "La Grève à Laval," 1 December 1976, p. 13.

Past experience had shown these committees to be somewhat suspect in their impartiality. Furthermore, it seemed that salaries would still be awarded at levels decided purely at the head of department's or dean's discretion, as ever. The "final and global offers" revealed that the University was still unwilling to institute a formalized salary scale to eliminate the yawning discrepancies between the salaries of equally qualified and experienced people. It was argued that individually negotiated salaries were necessary in order to take into account the "dynamics of the market," and not to risk losing scholars who might be attracted elsewhere by more favorable salaries.[28] It is hard to see the validity of this argument in Quebec at least, for all the other universities in the province (to which French-speaking professors would be most likely to go) already had fixed salary scales (some under renegotiation) by the time the Laval strike began.

In short, the sharing of power which the administration was prepared to grant was minimal in real terms. The sociologist, Guy Rocher, a member of the Royal Commission in the sixties, pointed out in a television interview that this was a province-wide problem.[29] In most places, the formulae for faculty involvement were already present but generally insufficient, just as true participation in decision-making was merely illusory. Consultation at the base level, according to Rocher, although frequent, carried but little weight. Instead, the administration tended

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[28] SPUL newsletter "Boîte à Lettres - Correspondance des Lignes," 15 September 1976, ("Dynamique du marché ou invitation au marchandage").

[29] SPUL newsletter "Boîte à Lettres - Correspondance des Lignes," n.d. ("Compte rendu de l'entrevue donnée à Présent Québec par Guy Rocher le lundi 13 septembre à 17h30"). See also footnote 18.

to centralise power for the sake of efficiency. Rocher called this a concept of "systematic no-confidence." The head of department had no confidence in the ability of the departmental assembly to make the right decision, or at least to reach it quickly enough. The fact that the real situation in other Quebec universities was similar to, if not quite as crass as many aspects of Laval's problems caused many scholars elsewhere to focus their attention on the outcome of the dispute at Laval. For they were clear that any structural alterations there would have a marked effect on other unions' demands for similar improvements during 1977.

The radical change of government in the Province during November, when the Parti Quebécois took over from the Liberals, clearly weakened the University's position. Whereas most of the administrators were old Liberals, large numbers of the faculty sympathised with the PQ, which in turn was eager for opportunities to show that it stood on the side of progress. Whereas it was felt by some that the previous government had encouraged the administration's autocratic stand, as facilitating government control, the administration could no longer go to the bargaining table at the end of November secure in the knowledge of government backing. This facilitated compromise and the despatch of the collective agreement which might otherwise have been delayed still longer. It should be noted, however, that the PQ did not come out in support of the strikers but diplomatically refused to intervene in the strike, despite the presence of three strikers in the new Cabinet! Rather than alienate too many people by its endorsement of radical measures, it preferred to bring more subtle influence to bear on the issue by its marked absence of support for

the university administration, weakening their position by its own apparent impartiality and aloofness.

After the general assembly of SPUL had rejected the University's "final and global offers" on 3 November 1976, there was further deadlock until an agreement was reached on outside mediation. By mid-November, the dean of law at Queen's University, Daniel Soberman, was chosen to mediate. After a further month around the table, he managed to terminate the strike with the signing of a return-to-work agreement by SPUL on 23 December 1976.[30] The official signing of the collective agreement did not take place until 11 January 1977.[31] The settlement was ratified by 532 faculty, 83% of those present at the SPUL meeting which voted on this.

The contract, which runs until 31 May 1978, of course represents a compromise, and thus not all the objections of SPUL to the running of the University were fully met. A fixed salary structure, however, has now been settled. Salary levels are equal throughout the University (except for the medical faculty). This was a demand on which SPUL had to create the impression of wide support, even though it would mean a loss of salary for some. It was felt that the professors should be paid as members of a university, and not for what they might be worth on the professional market. The Law Faculty, whose members stood to lose the most under the new wage agreement, were unhappy with this and are

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[30] Maranda to de la Noüe, 23 December 1976.

[31] "Convention collective entre l'Université Laval et le Syndicat des Professeurs 1975-1978." The salary scale was agreed to apply retroactively from 1 June 1975.

striving for recognition of a separate union. The majority of this Faculty did not support SPUL from the first, and had attempted to retaliate with its own independent union. A request for accreditation was refused on 4 June 1976, and a subsequent appeal rejected on 20 September 1976 - all this in the middle of SPUL's own negotiations, which may have weakened its claim to speak for the entire Laval faculty.[32]

A more satisfactory solution has been reached, from the union's point of view, on the tenure question.[33] Probation is now limited to a maximum of five years, after which the assistant or adjunct professor, if his contract is extended, automatically receives tenure, even if he remains at the same rank. He is now, however, eligible to apply for agrégation (an associate professorship), without which tenure was previously impossible. At any stage of his career when he is being evaluated for promotion or contract renewal, the professor must be forewarned of this, and given the opportunity to inspect his personnel file, on which the decision will be based, and to deposit any additional commentary he considers appropriate to the reports on himself contained therein.[34] There is now a much greater guarantee of job security: even if the University declares a post redundant, it is obliged, in the case of tenured faculty, to offer a new position to the professor.[35]

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[32] Labour Decisions (CCH Canadian Limited, 1976). Para. 14,054: Syndicat des Professeurs de la Faculté de Droit de l'Université Laval v. Syndicat des Professeurs de l'Université Laval et al.

[33] "Convention collective..." Article 16.

[34] Ibid. Article 14.06 and 14.10.

[35] Ibid. Article 17.

The procedures for selection and hiring are spelt out in great detail in the collective agreement, with full involvement of the departmental assembly, yet still it remains the administration which makes the final choice.[36] The head of department must refer his version of the job description and selection criteria, which he makes in accordance with the departmental development plan, to the departmental assembly for its approval. In the event that the assembly disagrees with it, he must summon a further meeting within a fortnight either to present a new version or to justify again his original proposal. The head of department "then decides on the job description and the special selection criteria..." (my emphasis - GJG). In other words, the voice of the assembly could theoretically still count for little at this stage. The assembly then elects a selection committee of two to five professors, which, after considering the candidates, submits a list in order of preference of those whom it considers suitable. The whole assembly then undertakes an examination, case by case, and draws up its own order of priority. After this, the head of department writes his "appreciation of the pertinence of the years of experience of the candidates selected by the assembly" and forwards the list with these comments (and if necessary, the selection committee's opposing comments, and/or his complete disapproval of one or more of the candidates) to the vice-rector for academic affairs. The latter then makes the appointment, without being bound to accept the order of the list, or to justify refusing the first choice. If, however, he rejects

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[36] Ibid. Article 12.

the entire list, he must call upon the head of department to begin the process all over again, since he is obliged to appoint someone from an assembly-approved list. Thus the faculty themselves do now choose those from whom an appointment will be made, but the final decision remains in the hands of the administrators.

Whereas the departmental assembly establishes the criteria for the evaluation of a professor, it is solely the head of department who determines promotions and contract renewals. However, the hotly-contested right of appeal is now written into the collective agreement. The appeals committee consists of one person designated by the vice-rector for academic affairs, and one by SPUL, presided over by a third person drawn from a standing list of ten names (agreed upon by both parties) of "members of the University or persons familiar with the university environment." This committee has the power to:

a) annul or uphold the decision of non-renewal;
b) grant or refuse promotion and tenure;
c) order the re-instatement of a professor;
d) establish the level of any compensation which is justified;
e) hand down any ruling which it deems appropriate in the circumstances.[37]

It is thus strong enough, and sufficiently impartial, to correct discrimination or unfair decisions.

The position of the heads of department at Laval is still rather different from that of their counterparts in the more progressive and liberal structure of the Université du Québec. A provision in the Quebec Labour Code prevents management members from joining a union of employees. This led to some complication when it was attempted to apply this regulation to a university. The rector and deans were held to be

[37] Ibid. Article 16.12, 16.14, and 16.15.

the veritable managers, but what about the heads of department and vice-deans? Labour tribunals in the early 1970s ruled that these officers, elected as they were for a limited time by their colleagues, could be considered as eligible for union membership, since at the Université du Québec, department heads received their instructions from the department, not the university. This is not yet the case in all the older universities.[38]

There are now safeguards, then, against the former sweeping powers of the administration, though the latter has not been left in a visibly weak position by the strike settlement. Already in 1977 the dean of the Law Faculty has twice tried to hurry through a new appointment, bypassing the new selection procedures on the grounds of urgency: the assembly brought him to order. One safeguard of the due processes is the predominant position of SPUL. Indeed, the collective agreement describes one of the three prime functions of the university as "participation" (along with teaching, and the advancement of knowledge). Participatory activities are defined in it, somewhat tautologically, as those which contribute to the functioning of the university, and union affairs are specifically singled out for mention.[39]

The question of whether SPUL can continue to assert itself vis-à-vis the administration will depend on whether support for the union is maintained. At present, it numbers some 86% of the academic staff.

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[38] Côté, p. 38f.

[39] "Convention collective...," Article 13.02 and 13.05.

As mentioned above, the Law Faculty would opt out at the first opportunity. There are signs that union support is dropping slightly at other universities. The union at l'Université du Québec à Montréal (UQAM), for example, in this winter's strike over the negotiation of its third collective agreement, lost through resignation the support of a significant number of faculty from the department of business administration, who announced that they did not believe the strike to be an appropriate means of solving the dispute.[40] Unless the administrators flagrantly misbehave, it may be difficult to mobilise the entire Laval faculty for a strike again, should SPUL consider this necessary during their 1978 negotiations, when the present agreement expires.

It may well be that SPUL would shun strike action so soon after the last one because of the heavy financial burden. The union incurred debts of $800,000 in strike support, of which some $150,000 was subsequently deferred by the contributions of unions at other universities.[41] What makes a further strike in 1978 unlikely is that the 1976 Laval strike (and a concurrent one at the University of Quebec at Montreal) have given birth to a new commission of enquiry into higher education in Quebec. The Council of Quebec Universities (a government body controlling the budget) has requested the Minister of Education to investigate not only the accountability of the universities, which now receive annuall

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[40] "Faculty now on strike at two Quebec universities," University Affairs, December 1976.

[41] "Laval Strike Ends with Victory for Faculty," Canadian Association of University Teachers Bulletin, Vol. 25, No. 1, January 1977, p. 1.

some $600 million from the provincial government, but also to examine in particular the respective responsibilities of teachers and administrations.[42] While it is certain that the government would like to restrict the power of the unions, it may well now be that a report with the authority of such a commission will have sufficient force to remove any immediate grievances and create a working compromise for all concerned.

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[42] "New body to be set up after controversial Quebec strikes," Times Higher Education Supplement, 15 April 1977, p. 12.